

Prepared Statement of Hon. Robert F. Bennett, U.S. Senator from Utah

Mr. Chairman and Senator Wyden, thank you for holding a hearing today on S. 3636, the Washington County Growth and Conservation Act of 2006. As the sponsor of this legislation, I am grateful that you included this important bill on your busy hearing calendar as the 109th Congress winds down.

S. 3636, and its companion in the House of Representatives, H.R. 5769, have the bipartisan support of Utah's entire congressional delegation. This legislation contains carefully crafted compromises that build on the success of the Nevada public land bills authored by Senators Reid and Ensign and passed unanimously by Congress. The Nevada bills have been enormously beneficial for their state and serve as a blueprint to address land and growth issues in Utah. These bills show that you can strike a successful balance between conservation measures and economic development initiatives, while protecting both the public lands and the communities that depend on them.

In Utah, federal agencies manage two of every three acres. For many communities, public land and its management affect nearly every aspect of life, from education and employment to social services and recreation. Many water developments, electrical transmission lines, and highways are located upon or must cross the public domain to provide residents with essential services. Without the involvement of the federal government, these land-locked communities cannot adequately plan for growth or meet the needs of citizens and visitors for infrastructure, transportation, housing, and clean water. Therefore, the federal government must play a significant and active role in securing the future and continued viability of these areas. And that is why this legislation is so critical.

Washington County, Utah – home to spectacular Zion National Park – is experiencing the pains associated with record-setting growth, the fifth fastest in the United States. St. George – the county seat – is the nation's fastest-growing metropolitan area over the last five years. The effects of this virtually unchecked growth have caused local and state leaders to come together and take a proactive approach to plan for the future. With just over 16 percent of the county in private ownership, however, the future of the communities and the public lands that surround them are inextricably linked. This legislation provides a balanced framework for managing the growth, while also providing for the permanent protection of some of the most magnificent and sensitive landscapes in the West.

The Washington County Growth and Conservation Act of 2006 is the result of more than three years of work by a diverse group of stakeholders tasked with responsibly addressing Washington County's growth challenges. As part of this effort, former Utah Governor Olene Walker and the Washington County Commission initiated the Washington County Land Use Planning Process and Working Group in June 2004. The working group was composed of 20 people representing diverse and broad interests - including the conservation community - and was charged with developing this legislation and a quality growth plan for the county. Over several months, the working group held a series of meetings and tours throughout the county. The participants discussed issues ranging from local transportation needs to federal land management and endangered species.

When the meetings concluded, Congressman Jim Matheson and I received recommendations from the group regarding the management of public lands within the county. We incorporated those recommendations into the draft proposal, and released it earlier this year

for public comment. At our request, Washington County also held two well-attended open houses where interested people could examine maps and inquire about the proposal.

Based on the public input we received in our offices, including several meetings with environmental groups, we made significant changes to the proposal and introduced this legislation in July. Although we have tried to accommodate many viewpoints, it is impossible to satisfy everyone in this process. We have seen that if individuals and groups from all sides are willing to abandon the “all-or- nothing” approach and sit at the table in good faith, progress can be made. The result is a balanced and more comprehensive bill. This legislation represents significant progress in the long-standing disputes over public land management in Utah, and I am proud to sponsor it.

As an outgrowth of this legislation, Washington County has partnered with other organizations to create Vision Dixie, a quality growth planning process, to further engage the public on current and future county growth issues. I commend them for continuing this discussion and encourage the public to participate in this effort.

I look forward to working with my Senate colleagues this year to enact responsible, bipartisan legislation to address these long-standing issues in Utah.

Because of this bill’s comprehensive nature, I will provide a summary of the significant provisions of this legislation.

Summary

Title I – Land Disposals

S. 3636 directs the secretary of the interior to sell up to 24,300 acres in a two-tiered process. Federal land managers based in Washington County have already identified 4,300 acres of land for disposal, which will be sold after receiving the appropriate federal clearances. These acres will make up the first tier of land disposal. The first sale will occur within one year after the passage of the bill, with at least annual sales thereafter until the final prior to January 1, 2013. The second tier of land disposal includes up to 20,000 acres which may be sold only after being identified by federal land managers in cooperation with Washington County through Vision Dixie. These lands must be selected from within areas identified on the map, excluding wilderness areas, the tortoise preserve, and other areas of critical environmental concern. This gives maximum flexibility to the local quality growth planning group to select the lands to be sold. The secretary of the interior will be authorized to include, where appropriate, restrictive covenants on the deeds of transfer to protect paleontological, archaeological, or other interests of the United States. These sales will not begin until 2011, allowing the quality growth process sufficient time to identify appropriate lands.

The proceeds from the land disposal will fund conservation projects and federal and non-federal initiatives within Washington County. Projects include, but are not limited to, protection and management of the Red Cliffs National Conservation Area; processing of wilderness designations; projects relating to parks, trails, and natural areas; and trail repair and reconstruction within the Dixie National Forest.

Title II – Wilderness

S. 3636 designates the addition of 219,725 acres of land to the National Wilderness Preservation System. At the recommendation of the National Park Service, 123,743 acres within

Zion National Park will receive wilderness designation. Wilderness designations also include 93,340 acres of Bureau of Land Management (BLM) land and 2,642 acres of Forest Service land. This will increase the percentage of wilderness acreage in the county from 3.4 percent to 17.5 percent.

Washington County has stunning natural areas and I support the wilderness compromise in this measure. The bill protects nearly 93 percent of existing BLM wilderness study areas and includes no hard-release language. Also the bill designates additional acreage not identified by the BLM but selected by the stakeholders within the working group. More importantly, this bill ends the gridlock over BLM wilderness designations in the state of Utah, and removes uncertainty from these areas.

Title III – Wild and Scenic River Designation

This legislation designates 165.5 miles of the Virgin River and its tributaries as Wild and Scenic Rivers, following National Park Service's recommendation. This is the first Wild and Scenic River designation anywhere in Utah.

Title IV – Utility Corridors and Rights-of-Way

S. 3636 designates utility corridors in Washington County to meet the needs of the growing population. Subject to compliance with the National Environmental Policy Act (NEPA), these utility corridors may be used for transportation, water lines, or other such necessary transmission and utility distribution. The bill addresses the need for a transportation corridor around the south and west of St. George, diverting traffic from the center of the city by incorporating the Habitat Conservation Advisory Committee's unanimous recommendation for identifying the Northern Corridor Bypass. This unanimous recommendation requires the secretary of the interior to study different routes and then designate the appropriate corridor. This process will allow science and public input to dictate where the corridor should be located. The bill also identifies a pipeline corridor to address the county's future water needs.

Title V – High Desert Off-Highway Vehicle Trail

S. 3636 authorizes the secretary of the interior to designate a system of existing motorized trails for off-highway vehicle (OHV) use. The bill gives the secretary two years from the passage of the bill to complete a travel plan identifying the appropriate existing routes to include in the trail system, making sure to allow for public participation in the final decision. The legislation does not authorize the creation of any new trails for incorporation in the trail system. By identifying this trail in an environmentally-sensitive way, we create an opportunity for managed and responsible OHV use on the heavily-used west side of the county.

Title VI – Red Cliffs National Conservation Area

S. 3636 creates the Red Cliffs National Conservation Area, giving permanent protection to the endangered desert tortoise. The current habitat management plan will expire in 2016.

Conclusion

The Washington County Growth and Conservation Act of 2006 is the only viable solution to the county's current challenges. It's based on Nevada precedent, which passed the Congress unanimously and has worked extremely well to meet their growth needs. We brought stakeholders together, solicited public comment on the proposal, made revisions based on these comments, and now we bring it to the Congress for its consideration. I ask for your support on this bill – it will responsibly manage growth while putting conservation measures in place that will protect our natural treasures for future generations.

Thank you, Mr. Chairman and Senator Wyden, for holding this hearing today. I look forward to working with you and your staff to address any concerns you might have.